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C O N F I D E N T I A L SECTION 01 OF 03 ADDIS ABABA 002916

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SUBJECT: ETHIOPIA: GINBOT 7 TRIALS, CONVICTION AND SENTENCING

11. (C) SUMMARY: The Ginbot 7 case -- which began on April 24 when security forces rounded up 35 individuals allegedly involved in a coup plot against the Meles Zenawi government -- is currently in the sentencing phase following convictions handed down on November 19. Police investigation and pre-trial procedures took over a month. Family members of the suspects and international human rights organizations expressed concerns regarding the conditions of arrest for the 35 suspects. On May 25, the prosecutor filed five charges with the harshest sentence being life imprisonment and the death penalty. On November 19, after hearing nearly two months of prosecutor and defense witnesses testimony, the court passed guilty verdicts on 27 defendants and acquitted five. Fourteen of the defendants were tried in absentia. The sentencing phase of the trial is likely to continue for several months. Post suspects the arrests and convictions were geared toward deterring dissent before it emerged. END SUMMARY.

Arrest

12. (U) On April 24, the National Intelligence, Security Service and Federal Police Joint Anti Terrorist Task Force arrested 35 individuals suspected of plotting a coup d'état against the Meles Zenawi government. Most of the suspects are members of the national defense forces or the police. Bereket Simon, Minister of Government Communications Affairs later changed the charge to &plotting to assassinate high-ranking government officials; and disrupting telecommunications and power sectors.⁸ Despite repeated appeals from human rights groups and family members, the Task Force was not willing to release the names of detainees for over a month. The Task Force arrested five more suspects in subsequent weeks. Family members and attorneys for the detainees complained they were denied visitation rights.

Pre-trial investigation and delays

13. (U) Police brought the suspects to the First Instance Federal Court on April 27. The police told the court they had not completed their investigation and requested more time. The court granted 14 additional days to the police. On May 11, the police asked for and were again granted 14 additional days. Family members, reporters or attorneys were not allowed to observe the proceedings. On May 25, the police told the court they had completed their investigation and passed the documents to the prosecutor. The suspects asked for bail but were denied.

The Trial

14. (U) On June 4, family members, the press and representatives of diplomatic missions were allowed to attend the trial. The Prosecutor read the names of 32 suspects present in court (police released 8 suspects for lack of evidence) and announced that 14 suspects would be tried in absentia. The names of the 32 suspects were: Brigadier General Tefera Mamo, Lt. Colonel Solomon Ashagre, Lt. Col. Alemu Getnet, Major Meseker Kassa, Lt. Colonel Getachew Berele, Captain Temesgen Bayleyegn, Lt. Colonel Fantahun Muhaba, Lt. Colonel Abere Assefa, Major Misganaw Tesema, Lt. Colonel Demsew Anteneh, Major Adugna Alemayehu, Lieutenant Ababu Teferi, Major Adefris Asaminew, Major Mekonnen Worku, Major Fanaye Wube. Sergeant Ayten Kassa, Inspector Aragaw Asfaw, Retired General Asaminew Tsige, Mengistu Abebe, Getu Worku, Yeshiwas Mengesha, Melaku Tefera, Emawayish Alemu (female), Yeshiwas Mitiku, Gobena Belay, Amerar Bayabil, Tsige Habtemariam, Goshirad Tsegaw, Wudeneh Temesgen, Yibeltal Birhanu, Kifle Sinishaw, Getu Wolde.

15. (U) The 14 suspects tried in absentia were: Aweke Afework, Alehubel Amare, Yaregal Yimam, Berhanu Nega, Andargachew Tsige, Muluneh Eyoel, Dereje Habtewold, Dan, Mesfin Aman, Daniel Assefa, Chekol Getahun, Efrem Madebo, Fasil Yenealem, Amanuel.

Charges

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16. (U) On June 4 the prosecutor leveled five charges against the 46 defendants: 1) conspiring with the Ginbot 7 Terrorist Group⁸ to engage in acts of terror; 2) plotting to assassinate senior government officials and incite rebellion within the army; 3) conspiring to destroy government and private institutions; 4) conspiring to dismantle the constitutional order and smuggle arms; and 5) recruiting and arming members of an opposition group. Thirty of the 32 defendants pleaded not guilty to the charges, while the remaining two (Major Adugna Alemayehu, Major Adefris Asaminew) pleaded guilty to all charges. All defendants were represented by attorneys.

Ginbot 7 Leadership Dismisses Charges as "Sham"

17. (U) Dr. Berhanu Nega, Chairman of Ginbot 7 and Andargachew Tsige, Secretary General of Ginbot 7 dismissed the charges as a sham and dubbed the court a kangaroo court.⁸ Dr. Berhanu Nega currently lives in the United States where he is a professor at Tulane University, and Andargachew Tsige lives in England. Getu Worku, the first cousin of Dr. Berhanu Nega, and Tsige Habtemariam, the 80-year old father of Andargachew Tsige, are among the 32 defendants.

Alleged Torture

18. (SBU) Family members and attorneys reported that the suspects had suffered physical and psychological abuse while being held in pre-trial detention. On June 15, retired General Asmainew Tsige, told the court that he was being held in solitary confinement and pleaded for special human-rights protection. The attorney of Getu Worku asked the court that her client be allowed to see a private doctor for injuries suffered in detention. Embassy LES present at a hearing on November 13 heard retired General Asaminew Tsige tell the court that he was tortured and had lost his left eye due to beatings by prison guards. Major Mekonnen Worku told the court he was beaten in jail and showed the court injuries on his arms and legs. The court asked the prison administration

to respond to the accusations of torture and beating. On November 17, the prison administration told the court the alleged torture and beatings reported by suspects were self-inflicted.

Conviction

¶9. (U) On November 19, the Second Criminal Bench of the Federal High Court passed a guilty verdict on 27 defendants and acquitted the following five defendants: Major Fanaye Wube, Lieutenant Ababu Teferi, Inspector Aragaw Asfaw, Sergeant Ayten Kassa and Getu Wolde. The court is adjourned to hear final statements from the prosecutor and defense attorneys regarding sentencing at a later date.

Sentencing

¶10. (U) The sentencing phase of the trial began on December 1 with the prosecutor asking the Second Criminal Bench of the Federal High Court to confiscate the property of eight of the Ginbot 7 defendants. The prosecutor submitted a list of property owned by these defendants to the court. After hearing the prosecutor's arguments, the court ordered the freezing of the property of the eight defendants until it reached a final decision on the merits of the case. On December 8 the court heard further arguments in the property case. The defense attorneys argued it was against the law to confiscate the property of individuals without taking spouses, children and third parties related to the property into consideration. The court ordered the defense attorneys to produce original or certified photocopies of birth certificates, marriage certificates and other documents related to the case by December 10. (Note: Dr. Nardos Minase, wife of Dr. Berhanu Nega (one of the defendants), is an American citizen. They have 2 sons who are American citizens as well. Currently, Dr. Nardos, the 2 children and Dr. Berhanu live in the United States. The attorney for Dr. Nardos told the court that he is unable to produce a

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certified copy of the marriage certificate (Dr. Nardos and Dr. Berhanu) by December 10 as his client is out of the country. End Note) The sentencing phase of the trial will likely continue for the next several weeks.

Possibility of Appeal

¶10. (U) The charges filed by the prosecutor entail a life sentence or the death penalty. The Ethiopian court system allows defendants to appeal to a higher court. The Federal Supreme Court can reduce or reverse decisions made by the Federal High Court if appropriate. Defendants can appeal to the Cassation Court if they feel the decision passed by the Federal Supreme Court has errors in the interpretation of the law. Decisions made by the Cassation Court are final. If a death sentence is passed, it will be carried out only when the President of the Federal Government approves it. The President has used this power sparingly and only two or three death sentences have been carried out in the past 18 years.

¶11. (C) Comment: The arrest of Ginbot 7 suspects was as much a surprise to the Ethiopian public as it was to international observers. Post doubts that well known and respected retired military and police officials residing in the capital city with their family members would openly plot the overthrow of the government. Human rights and Ethiopia-focused blogs are suggesting that the suspects did not commit the crimes with which they have been charged. While the Task Force had the necessary court warrants for the arrests, there was total secrecy concerning the names of suspects for over 32 days, a violation of the criminal code which requires suspects to appear before the court for

presentation of charges within 48 hours. End Comment.
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